

Message Text

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65-60

ACTION EUR-12

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CEQ-01 CG-00 CIAE-00 CIEP-02 OFA-01 COME-00 DLOS-04

DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07 FMC-02 TRSE-00

H-02 INR-07 INT-05 IO-10 JUSE-00 L-03 NSAE-00 NSC-05

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 1426

INFO AMEMBASSY ATHENS

AMEMBASSY NICOSIA

AMEMBASSY LONDON

AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

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E.O. 11652: N/A

TAGS: PFOR, PLOS, GR, TU

SUBJ: TURKISH NOTE ON AEGEAN CONTINENTAL SHELF DISPUTE

REF: ANKARA 8542

1. THE FOLLOWING TEXT OF THE NOTE PRESENTED BY
THE GOVERNMENT OF TURKEY TO THE GOVERNMENT OF GREECE ON
NOVEMBER 18 ON THE AEGEAN CONTINENTAL SHELF
DISPUTE WAS MADE AVAILABLE BY THE MFA NOVEMBER 21:

2. BEGIN TEXT:

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THE MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS

TO THE EMBASSY OF GREECE AND WITH REFERENCE TO THE NOTE NO. 6243.15/190/AS 3780, DATED 2 OCTOBER 1975 WHICH WAS DELIVERED IN ATHENS TO THE THRKISH CHARGE D'AFFAIRES HAS THE HONOUR TO BRING THE FOLLOWING TO THE ATTENTION OF THE GREEK GOVERNMENT:

THE AEGEAN SEA, THE COASTS OF WHICH ARE SHARED BY TURKEY AND GREECE IS AN AREA THAT HAS EQUAL IMPORTANCE FOR EACH OF THEM. BOTH COUNTRIES HAVE VITAL STARTEGIC, ECONOMIC AND POLITICAL INTERESTS IN THE AREA. THROUGHOUT HISTORY, THE AEGEAN AND ITS RESOURCES HAVE BEEN FREELY AND EQUALLY SHARED AND USED BY THE PEOPLES OF THE ANATOLIAN AND THE GREEK PENINSULAS.

THE PRESENT DIFFERENCES HAVE ARISEN BECAUSE THE CONTINENTAL SHELF OF THE AEGEAN HAS YET TO BE DELIMITED. SINCE THE EMERGENCE OF THE SITUATION, THE TURKISH GOVERNMENT IN ITS OFFICIAL COMMUNICATIONS, CONTACTS AND ON ALL INFORMAL OCCASIONS HAS CONSISTENTLY POINTED OUT THAT DUE TO THE EXTREMELY COMPLEX PROBLEMS INVOLVED IN DRAWING A BOUNDARY LINE AND TO THE PARTICULARITIES OF THE REGION AND ITS IMMENSE IMPORTANCE FOR THE TWO COUNTRIES, THE DELIMITATION OF THE AREA CAN ONLY BE REALIZED JOINTLY IF AN EQUITABLE SOLUTION, ACCEPTABLE TO BOTH SIDES, IS FOUND.

THE GOVERNMENT OF TURKEY, WHICH HAS ALWAYS ASPIRED TO THE SETTLEMENT OF ITS DISPUTES BY MAKING USE OF ALL

PEACEFUL MEANS, WAS PLEASED TO SEE THAT DURING THE ROME MEETING OF THE FOREIGN MINISTERS OF THE TWO COUNTRIES IN MAY 1975, THE GREEK SIDE AGREED TO SEEK A NEGOTIATED SETTLEMENT OF THE DIFFERENCES, BEARING ALSO IN MIND THE TURKISH PROPOSAL FOR JOINT EXPLORATION AND EXPLOITATION OF RESOURCES AND TO TRY TO PREPARE, IF NECESSARY, A DRAFT SPECIAL AGREEMENT FOR THE JOINT REFERENCE TO THE INTERNATIONAL COURT OF JUSTICE OF THOSE ASPECTS OF THE SITUATION, WHICH THEY MIGHT AGREE, WERE THE POINTS OF GENUINE DISAGREEMENT BETWEEN THE TWO SIDES.

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THE BRUSSELS MEETING OF 31 MAY 1975 GAVE THE PRIME MINISTERS OF TURKEY AND GREECE A CHANCE TO REITERATE THE DECISION OF THEIR FOREIGN MINISTERS AND TO EXPRESS THEIR DESIRE TO SOLVE ALL THE PROBLEMS THAT EXIST BETWEEN THEIR TWO COUNTRIES PEACEFULLY THROUGH NEGOTIATIONS.

IN VIEW OF THE FOREGOING, THE GOVERNMENT OF TURKEY

DOES NOT SHARE THE GREEK SIDE'S INTERPRETATION THAT THE PARTIES HAVE ALREADY AGREED TO REFER THE DISPUTE TO THE INTERNATIONAL COURT OF JUSTICE WITHOUT PRIOR NEGOTIATIONS. FOR THIS VERY REASON, NUMEROUS PARTIAL QUOTATIONS FROM PREVIOUS TURKISH COMMUNICATIONS CONTAINED IN THE GREEK NOTE OF OCTOBER 2, 1975, NO. 6243.15/190/ AS 3780, DO NOT REFLECT THEIR FULL CONTEXT AS WELL AS THAT OF THE STATEMENT MADE BY THE FORMER TURKISH PRIME MINISTER AND THE UNDERSTANDING REACHED BETWEEN THE TWO COUNTRIES AT THE ROME AND BRUSSELS MEETINGS.

THE TURKISH GOVERNMENT FINDS IT ESSENTIAL TO REITERATE ONCE MORE ITS VIEW THAT THE QUESTIONS BETWEEN TURKEY AND GREECE RELATING TO THE AEGEAN CONTINENTAL SHELF BE SOLVED THROUGH BILATERAL NEGOTIATIONS AND THAT SUCH NEGOTIATIONS AS REGARDED AS SPECIFIC OBLIGATIONS OF STATES BY INTERNATIONAL LAW AND PRACTICE AS WELL AS BY THE RULINGS OF THE INTERNATIONAL COURT ON JUSTICE. WITH REGARD TO THIS SPECIFIC OBLIGATION THE COURT IN ITS DECISION ON THE NORTH SEA CONTINENTAL SHELF CASE CLEARLY STATES: "THE PARTIES ARE UNDER AN OBLIGATION TO ENTER INTO NEGOTIATIONS WITH A VIEW TO ARRIVING AT AN AGREEMENT, AND NOT MERELY TO GO THROUGH A FORMAL PROCESS OF NEGOTIATION" AND "THEY ARE UNDER AN OBLIGATION SO TO CONDUCT THEMSELVES THAT THE NEGOTIATIONS ARE MEANINGFUL WHICH WILL NOT BE THE CASE WHEN EITHER OF THEM INSISTS UPON ITS OWN POSITION WITHOUT CONTEMPLATING ANY MODIFICATION OF ITS CASE."

AS THE GOVERNMENT OF GREECE MUST BE AWARE, NEARLY ALL STATES THROUGHOUT THE WORLD PRESENTLY INVOLVED IN THE DELIMITATION OF CONTINENTAL SHELF AREAS ARE TRYING TO SOLVE THEIR PROBLEMS BY BILATERAL OR MULTILATERAL

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NEGOTIATIONS. IN THIS CONTEXT, THE GOVERNMENT OF TURKEY WOULD LIKE TO REMIND THE GOVERNMENT OF GREECE THAT ON VARIOUS OCCASIONS AS WELL AS DURING THE MEETINGS HELD IN ROME THE TURKISH SIDE HAS EMPHASIZED THAT THE MERE EXCHANGE OF NOTES CANNOT BE CONSTRUED AS BILATERAL NEGOTIATIONS WITH A VIEW TO ARRIVING AT AN AGREEMENT. IN FACT, ONLY BILATERAL NEGOTIATIONS COULD RENDER IT POSSIBLE FOR THE PARTIES TO ACCOMMODATE THEIR DIFFERENCES IN ORDER TO REACH AN EQUITABLE AND ACCEPTABLE SOLUTION. THE NEGOTIATIONS ALREADY UNDERTAKEN BY TURKEY AND GREECE ON THE QUESTION OF THE AEGEAN AIRSPACE, IN ACCORDANCE WITH THE AGREEMENT REACHED BETWEEN THE TWO FOREIGN MINISTERS IN ROME, CONSTITUTE A GOOD EXAMPLE IN THIS RESPECT.

IN SPITE OF THE WILLINGNESS OF TURKEY TO NEGOTIATE,
THE TWO COUNTRIES HAVE SO FAR NOT BEEN ABLE TO ENTER
INTO NEGOTIATIONS AS REQUIRED BY INTERNATIONAL LAW.

THE GOVERNMENT OF TURKEY, THEREFORE INVITES THE
GOVERNMENT OF GREECEH TO A MEETING TO BE HELD AS SOON AS
POSSIBLE WITH THE AIM OF CONDUCTING MEANINGFUL
NEGOTIATIONS FOR EXPLORING THOROUGHLY AND EARNESTLY ALL
POSSIBILITIES OF AN AGREED EQUITABLE SETTLEMENT TAKING
INTO ACCOUNT THE INTERESTS OF BOTH COUNTRIES, AS WELL
AS FOR CONSIDERING JOINT SUBMISSION OF UNRESOLVED BUT
WELL-DEFINED LEGAL ISSUES, IF NECESSARY, TO THE
INTERNATIONAL COURT OF JUSTICE.

THE MINISTRY OF FOREIGN AFFAIRS AVAILS ITSELF OF THIS
OPPORTUNITY TO RENEW TO THE EMBASSY OF GREECE THE
ASSURANCES OF ITS HIGHEST CONSIDERATION. END TEXT
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